

APPENDIX

Sent to Governor

March 19, 1973

S.C.R. 35

THIRTY-NINTH DAY
(Tuesday, March 20, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Andujar, Longoria and Snelson.

A quorum was announced present.

The Reverend Frank Walker, Jr., of the First Southern Presbyterian Church, Austin, Texas, offered the invocation as follows:

Father, again this morning Your people gather for work. Breathe upon these Senators and all who work here with Your gracious spirit. Renew in each of us the will to live and love and serve to the praise of Your glory. And Father, thank You for the youth in the galleries. Through Jesus Christ Our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator McKinnon.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Mengden.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 180 (Amended)

S.B. 614 (Amended)

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 618

S.B. 296

C.S.S.B. 274 (Read first time)

C.S.S.B. 327 (Read first time)

C.S.S.B. 636 (Read first time)

S.B. 625 (Amended)

C.S.S.B. 269 (Read first time)

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 361

S.B. 459

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S.B. 835, A bill to be entitled An Act relating to furnishing legal and investigative services to indigents and providing legal counsel for indigents accused of crime and to investigating entitlement to release of persons accused of crime on personal bond; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 836, A bill to be entitled An Act relating to allocation of funds for construction of trails for hiking, bicycling, and horseback riding; amending Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Finance.

By Senator Jones:

S.B. 837, A bill to be entitled An Act relating to the unfair claim settlement practices of insurers; amending Chapter 21, Insurance Code, as amended, by adding Article 21.21-2; and declaring an emergency.

To Committee on Economic Development.

By Senator Mengden:

S.B. 838, A bill to be entitled An Act providing for direct gubernatorial appointment of the Secretary of Public Welfare; abolishing the three-man State Board of Public Welfare; establishing the Advisory Board of Public Welfare; and declaring an emergency.

To Committee on State Affairs.

SENATE RESOLUTION 352

By unanimous consent, Senator Hightower offered the following resolution:

WHEREAS, The Senate of the State of Texas considers it a privilege to honor the children of its members; and

WHEREAS, Three qualified candidates for Mascots of the Senate are Valori Lynn "Lori" Santiesteban, age 14, Stephanie Diane "Stacy" Santiesteban, age 12, and Ricardo Tati "Riki" Santiesteban, age 7, the delightful children of our esteemed colleague, Senator H. Tati Santiesteban of El Paso, El Paso County, Texas, and his lovely wife, Sue; now, therefore, be it

RESOLVED, That Valori Lynn, Stephanie Diane and Ricardo Tati Santiesteban be named as official Mascots of the Senate of the State of Texas; and be it further

RESOLVED, That a photograph of each of these children be included in the picture panel of the Senate of the 63rd Legislature, and that copies of this Resolution be prepared for them and for their parents as a memento of this occasion.

The resolution was read and was adopted.

SENATE JOINT RESOLUTION 13 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.J.R. 13, Proposing amendments to Article VIII, Sections 1-a and 1-b, of the Texas Constitution, to extend the \$3,000 ad valorem tax exemption to the homesteads of unmarried adults.

The resolution was read second time and was passed to engrossment.

SENATE JOINT RESOLUTION 13 ON THIRD READING

Senator Jones moved that Senate Rule 68 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S.J.R. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Creighton.

Absent-excused: Andujar, Longoria and Snelson.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Creighton.

Absent-excused: Andujar, Longoria and Snelson.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 106

SENATE BILL 195 ON SECOND READING

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 195, A bill to be entitled An Act declaring the policy of this state and the purpose of this Act to safeguard the air resources of the state from pollution; etc.; and declaring an emergency.

The bill was read second time.

Senator Hightower offered the following Committee Amendment to the bill:

Amend S.B. 195 by deleting the word "District" where it appears on Line 13, Page 4 of the bill; and by deleting the period at the end of Line 15 on Page 4, and adding the following:

"... and 'district' means any district or authority created and existing under Article XVI, Section 59, or Article III, Section 52 of the Texas Constitution, provided 'district' shall not mean any district or authority located entirely within a river authority unless such district or authority includes within its boundaries all or part of at least two incorporated cities, towns or villages or is governed by any one or more of Chapters 56, 60, 61, 62, or 63 of the Texas Water Code, or was created for the primary purpose of the navigation of its coastal and inland waters."

The Committee Amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 195 by adding the following sentence at the end of Sec. 2(a) on line 8, page 2 of the printed bill, to-wit:

"Any control facilities that are the subject of any contract for purchase or use under this Act shall be construed to be subject to ad valorem taxation payable by the person contracting with the issuer as if such contract created a lease-hold."

The amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 195 by deleting Sec. 13 of the bill and substituting therefor the following:

"Sec. 13. Nothing in this Act diminishes or limits, or is intended to diminish or limit, the authority of the Texas Air Control Board, districts, or local governments in performing any of the powers, functions, and duties vested in such entities by other laws. The Texas Clean Air Act, as amended, shall be enforced without regard to ownership of any control facilities financed under this Act. The Act shall be wholly sufficient authority within itself for the issuance of the bonds or notes and the performance of the other acts and

procedures authorized hereby, without reference to any other laws, or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds or notes are being issued under this Act, then to the extent of any conflict or inconsistency between any provisions of the Act and any provisions of any other law, the provisions of the Act shall prevail and control; provided, however, that any issuer shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act. Nothing in this Act affects the right of any private person to pursue against a person contracting with an issuer pursuant to this Act all common law remedies available to abate a condition of pollution or other nuisance or recover damages therefor, or both. No person contracting with an issuer for the purchase or use of control facilities shall ever be entitled to urge the defense of sovereign immunity by reason of the ownership of such control facilities by an issuer. Notwithstanding the provisions of this section, it is further provided that nothing in this Act shall in any way limit or diminish the power and authority of the Texas Air Control Board or of a local government to enact and enforce rules and regulations and to carry out other duties authorized by the Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes)."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Blanchard and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 195 ON THIRD READING

Senator Hightower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Traeger, Wallace and Wolff.

Nays: Patman and Schwartz.

Absent-excused: Andujar, Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Blanchard, Patman and Schwartz asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE CONCURRENT RESOLUTION 49
ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S.C.R. 49, Requesting Supreme Court of Texas to promulgate rules governing manner of submission of special issues relating to comparative negligence and other related matters contained in House Bill 88 at the earliest practicable time.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 336 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 336, A bill to be entitled An Act relating to the operation of sheltered workshops by the Texas Department of Mental Health and Mental Retardation; etc.; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 336 by inserting the word "only" between the words "may" and "be" where they appear on line 9, page 2, of the printed bill.

The Committee Amendment was read and was adopted.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 336 by adding the words "and equipment" between the word "facilities" and the semicolon immediately following on line 13, page 2 of the printed bill.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 336 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban,

Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Andujar, Longoria and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Absent-excused: Andujar, Longoria and Snelson.

SENATE CONCURRENT RESOLUTION 33 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

C.S.S.C.R. 33, Memorializing Congress to assure that expanded funds for revenue sharing shall include funding for the Community Action Agencies.

The resolution was read second time and was passed by the following vote: Yeas 19, Nays 9.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Aikin, Blanchard, Creighton, Harris, Jones, McKnight, Mengden, Moore and Traeger.

Absent-excused: Andujar, Longoria and Snelson.

REASON FOR VOTE

After a 4-year comprehensive study of the O.E.O., the Doughton Report determined that by the time federal money has been channeled through the staffs of 907 community action agencies, there is virtually nothing left for the intended beneficiaries, and concludes:

"Clearly the C.A.A.'s are not a significant factor in helping the poor. Their image as graft-ridden little bureaucracies seeking to perpetuate themselves is underlined by the fact that the record of the majority of the C.A.A.'s seem to be a sordid and sorry one. Instances - clearly documented instances - of embezzlement, fraud, theft, abuse of public funds and property, moral turpitude and subversive activity, have been so frequent within them that only the most sanguine or the most ignorant would try to defend them at that level."

The resolution itself states that at the conception of the program nearly 3 million Texans were poor and today nearly 2.5 million Texans are poor. If nearly three million means less than and nearly 2.5 means more than, and the O.E.O., according to its letter to me dated February 27, 1973, has received \$754,083,951.00 - almost 1 billion dollars - from the federal government - and let me point out, this figure does not include funds received by the O.E.O. from

state, county, city, school districts, churches, business and civic organizations, and foundations - this certainly corroborates the conclusions that "clearly the O.E.O. is not a significant factor in helping the poor".

O.E.O. budget cuts do not evidence a lack of compassion for the poor because the Nixon administration is budgeting:

66% more to help the poor than was the case 4 years ago
 67% more to help the sick than 4 years ago
 71% to help the Older Americans than 4 years ago
 242% more to help the hungry and the malnourished,
 and altogether the Human Resources Budget is a record \$125 billion - nearly double that of 4 years ago when the President took office.

Mr. President and fellow Senators, this or other programs have appealing names and sound like good causes - but behind fancy labels lie dismal failures. I ask you to cast a NO vote with me on this resolution, because unless we cut back on programs that have failed, we will soon run out of money for programs that succeed. The Nation just cannot continue on a course of fiscal irresponsibility.

MENGDEN

SENATE BILL 11 ON SECOND READING

On motion of Senator Wolff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 11, A bill to be entitled An Act relating to primary elections and conventions held by political parties; etc.; and declaring an emergency.

The bill was read second time.

Senator Wolff offered the following Committee Amendment to the bill:

Amend Senate Bill No. 11 as follows:

(1) On Page 2, Line 18, strike "fourth Saturday in July, 1972" and insert "first Tuesday after the first Monday in August, 1974".

(2) On Page 3, Line 3, strike "fourth Saturday in August" and insert "first Tuesday after the first Monday in September".

(3) On Page 4, Line 15, strike "second Monday in May" and insert "first Tuesday after the second Monday in June".

(4) On Page 5, Line 12, strike "fourth Monday in May" and insert "first Tuesday after the fourth Monday in June".

(5) On Page 6, Line 4, strike "first Monday in May" and insert "first Tuesday after the first Monday in June".

(6) On Page 7, Line 23, strike "third Monday in May" and insert "first Tuesday after the third Monday in June".

(7) On Page 9, Line 3, strike "first" and insert "third".

(8) On Page 21, Line 26, insert "after the first Monday" between "Tuesday" and "in".

The Committee Amendment was read.

Senator Moore offered the following amendment to the pending Committee Amendment.

Amend the pending Committee Amendment to S.B. 11 as follows:

(1) Strike items (3), (4), (6), and (7).

(2) Change Item (5) to read as follows: On Page 4, Line 37 of the printed bill, strike "May" and substitute "February".

MOORE
AIKIN
CREIGHTON

The amendment to the Committee Amendment was read and adopted.

Senator McKinnon moved to table the amendment to the committee amendment.

The motion to table was lost by the following vote: Yeas 14, Nays 14.

Yeas: Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Jones, Kothmann, Mauzy, McKinnon, Mengden, Ogg, Schwartz and Wallace.

Nays: Adams, Aikin, Blanchard, Creighton, Herring, Hightower, McKnight, Meier, Moore, Patman, Santiesteban, Sherman, Traeger and Wolff.

Absent-excused: Andujar, Longoria and Snelson.

Question recurring on the adoption of the amendment to the Committee Amendment, "Yeas" and "Nays" were demanded.

The amendment to the Committee Amendment failed of adoption by the following vote: Yeas 12, Nays 16.

Yeas: Adams, Aikin, Blanchard, Creighton, Hightower, McKnight, Meier, Moore, Patman, Santiesteban, Sherman and Traeger.

Nays: Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Jones, Kothmann, Mauzy, McKinnon, Mengden, Ogg, Schwartz, Wallace and Wolff.

Absent-excused: Andujar, Longoria and Snelson.

Question recurring on the adoption of the Committee Amendment, the Committee Amendment was adopted.

RECORD OF VOTES

Senators Patman and Moore asked to be recorded as voting "Nay" on the adoption of the Committee Amendment.

Senator Wolff offered the following Committee Amendment to the bill:

Amend S.B. 11 by striking the words "candidates' applications" on Page 7, Line 19, and by inserting in lieu thereof the words "candidates whose applications".

The Committee Amendment was read and was adopted.

Senator Wolff offered the following amendment to the bill:

Amend printed Senate Bill No. 11 as follows (page and line references to the bill as introduced are shown in brackets):

(1) Insert a new section immediately following original Section 4, to be numbered in proper numerical sequence, and renumber all succeeding sections accordingly, the new section to read as follows:

Sec. ---. Subsection (5), Section 190a, Texas Election Code (Article 13.12a, Vernon's Texas Election Code), which relates to applications of independent candidates for unexpired terms, is amended to read as follows:

"(5) Independent and nonpartisan candidates. If the vacancy occurs on or before the date of the first primary election, applications of independent or nonpartisan candidates must be filed in accordance with the provisions of Section 227 of this Code, not later than the second Tuesday after the first Monday in September. If the vacancy occurs after the first primary election day, and more than 20 days before the day of the general election, independent or nonpartisan candidates may file applications in the manner provided in Section 227, except that the application shall be filed not later than the 36th day before the day of the general election if the vacancy occurred more than 40 days before the day of the general election, and for subsequent vacancies, the application shall be filed not later than the 21st day before the day of the general election. No person shall sign an application prior to the occurrence of the vacancy, and any signature before that time shall be void."

(2) Insert a new section immediately following original Section 6, to be numbered in proper numerical sequence, and renumber all succeeding sections accordingly, the new section to read as follows:

Sec. ---. Section 202, Texas Election Code, as amended (Article 13.24, Vernon's Texas Election Code), is amended to read as follows:

"202. Returns and canvass

"Immediately upon completion of counting of the ballots, which must be completed in time for delivery of the returns not later than twenty-four hours after the closing of the polls, the presiding judge of each election precinct shall notify the chairman of the county executive committee either personally or by telephone of the results. He shall immediately thereafter make out returns of the same in the manner prescribed in Section 111 of this Code and shall immediately, and not later than twenty-four hours after the closing of the polls, make the proper distribution of the returns and other records of the election as provided in Section 111b of this Code.

"Upon receiving returns from each election precinct in the county, the chairman of the county executive committee shall order the members of the county executive committee to convene at the county seat of the county on the third day after the day of such primary election, and the returns shall be opened by the committee in executive session and shall be canvassed by them. The results recording the state of the polls in each precinct shall be entered in the book provided for in Section 116 of this Code by the county clerk, and the chairman of the county executive committee shall furnish to the county clerk the necessary information for compliance with this provision. Upon relation of the county chairman, the county attorney shall immediately institute mandamus proceedings in the proper court to compel delinquent returning officers to make proper returns as required by law, and it shall be the duty of the county chairman and county clerk to notify the county attorney of the delinquency."

(3) On page 6, line 40 page 9, line 27 , strike "second Tuesday" and substitute the following: "10th day".

(4) On page 7, line 14 page 10, line 25 , strike "second Tuesday" and substitute "10th day".

(5) On page 7, lines 19 and 20 page 11, lines 3 and 4 , strike "on the second Tuesday following the day" and substitute the following: "to canvass the returns".

(6) On page 8, line 17 page 12, line 24 , strike "first" and substitute

"second".

(7) On page 14, line 13 page 24, line 4 , strike "20th day of July" and substitute "first day of August".

(8) Insert three new sections immediately following original Section 14, to be numbered in proper numerical sequence, and renumber all succeeding sections accordingly, the new sections to read as follows:

Sec. ---. Section 227, Texas Election Code, as amended (Article 13.50, Vernon's Texas Election Code), is amended to read as follows:

"227. Nonpartisan or independent candidate

"The name of a nonpartisan or independent candidate may be printed on the official ballot in the column for independent candidates, after a written application signed by qualified voters addressed to the proper officer, as herein provided, and delivered to him not later than the second Tuesday after the first Monday in September of the election year, as follows:

"If for an office to be voted for throughout the state, the application shall be signed by one per cent of the entire vote of the state cast for Governor at the last preceding gubernatorial general election, and shall be addressed to the Secretary of State.

"If for a district office in a district composed of more than one county, the application shall be signed by three per cent of the entire vote cast for Governor in such district at the last preceding gubernatorial general election, and shall be addressed to the Secretary of State.

"If for a district office in a district composed of only one county or part of one county, the application shall be signed by five per cent of the entire vote cast for Governor in such district at the last preceding gubernatorial general election, and shall be addressed to the Secretary of State.

"If for a county office, the application shall be signed by five per cent of the entire vote cast for Governor in such county at the last preceding gubernatorial general election, and shall be addressed to the county judge.

"If for a precinct office, the application shall be signed by five per cent of the entire vote cast for Governor in such precinct at the last preceding gubernatorial general election, and shall be addressed to the county judge.

"Notwithstanding the foregoing provisions, the number of signatures required on an application for any district, county, or precinct office need not exceed five hundred.

"No application shall contain the name of more than one candidate. No person shall sign the application of more than one candidate for the same office; and if any person signs the application of more than one candidate for the same office, the signature shall be void as to all such applications. No person shall sign such application unless he is a qualified voter, and no person who has voted at either the general primary election or the runoff primary election of any party shall sign an application in favor of anyone for an office for which a nomination was made at either such primary election.

"The application shall show each signer's address and the number and county of issuance of his voter registration certificate.

"Any person signing the application of an independent candidate may withdraw and annul his signature by delivering to the candidate and to the officer with whom the application is filed (or is to be filed, if not then filed), his written request, signed and duly acknowledged by him, that his signature be cancelled and annulled. The request must be delivered before the application is acted on, and not later than the day preceding the last day for filing the application. Upon such withdrawal, the person shall be free to sign the application of another candidate for the same office."

Sec. ---. Section 229, Texas Election Code, as amended (Article 13.52, Texas Election Code), is amended to read as follows:

"229. Consent to run

"Upon receipt of an application which conforms to the above requirements, the Secretary of State shall issue his instruction to the county clerks of the state or of the district, as the case may require, and the county judge shall issue his instruction to the county clerk of the county, directing that the name

of the candidate in whose favor the application is made shall be printed on the official ballot in the independent column under the title of the office for which he is a candidate; provided, that any candidate who is required by Section 224a of this Code to file a statement of intent to become an independent candidate must have filed such statement in compliance with the provisions of that section, and any candidate not required to file such statement must file with the Secretary of State or the county judge, as the case may be, his written consent to become a candidate, before the deadline for filing the application."

Sec. ---. Section 231, Texas Election Code (Article 13.54, Vernon's Texas Election Code), is amended to read as follows:

"231. Nominations by parties without state organization

"Any political party without a State organization desiring to nominate candidates for county and precinct offices only may nominate such candidates therefor by a county convention held on the second Tuesday after the first Monday in August of the election year, which convention shall be composed of delegates from the various election precincts in the county, elected therein at conventions held in such precincts on the first Tuesday after the first Monday in August. All nominations made by any such parties shall be certified to the county clerk by the chairman of the county committee of such party, and, after taking the same course as nominations of other parties so certified, shall be printed on the official ballot in a separate column, headed by the name of the party; provided, a written application for such printing shall have been made to the county judge not later than the second Tuesday after the first Monday in September, signed and sworn to by three per cent of the entire vote cast for governor in such county at the last general election for that office. The application shall contain the following information with respect to each person signing it: his address, the number of his voter registration certificate, and the date of signing. The application may not be circulated for signatures until after the date of the precinct convention, and any signatures obtained on or before that date are void."

The amendment was read and was adopted.

Senator Wolff offered the following amendment to the bill:

Amend printed Senate Bill No. 11 as follows (page and line references to the bill as introduced are shown in brackets):

(1) On page 5, line 33 page 7, line 23 , strike "third Monday in May" (changed to "first Tuesday after the third Monday in June" in Committee Amendment No. 2), and substitute "second Monday in June".

(2) On page 8, lines 11, 12, and 13 page 12, lines 19, 20, and 21 , strike "at the meeting of the county executive committee provided for in Section 186 of this code" and substitute the following: "at a meeting of the county executive committee held not later than the 21st day before the date of the precinct conventions".

(3) On page 8, immediately following line 13 page 12, immediately following line 21 , insert the following sentence as a part of Subdivision 1: "Where senatorial district conventions are to be held in a county in lieu of the county convention, in presidential election years the election of the senatorial district committeemen or senatorial district chairmen provided for in Section 196a of this code shall take place at this meeting instead of the meeting designated in Section 196a."

(4) On page 9, line 13 page 14, line 19 , insert the following immediately after the word "code": "in gubernatorial election years, and at a meeting held not later than the 40th day before the date of the precinct conventions in presidential election years".

(5) On page 9, lines 24 and 25 page 15, lines 4 and 5 , strike "within one day after the date of the meeting in presidential election years and".

(6) On page 9, line 26 page 15, lines 5 and 6 , strike "in other election years".

(7) On page 10, line 48, and page 11, line 1 page 17, lines 22 and 26 , insert the following after the word "code": "or in Subdivision 1 of this section".

The amendment was read.

Senator Moore asked for a second reading of the amendment.

Senator Wolff moved to dispense with the second reading of the amendment.

Question on the motion to dispense with the second reading of the amendment, "Yeas" and "Nays" were demanded.

The motion to dispense with the second reading of the amendment was lost by the following vote: Yeas 11, Nays 17.

Yeas: Braecklein, Brooks, Harrington, Harris, Herring, Kothmann, Mauzy, McKinnon, Meier, Wallace and Wolff.

Nays: Adams, Aikin, Blanchard, Clower, Creighton, Gammage, Hightower, Jones, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman and Traeger.

Absent-excused: Andujar, Longoria and Snelson.

Question, Shall the amendment by Senator Wolff be adopted?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, March 21, 1973

S.B. 123 - Senator Gammage

S.B. 221 - Senator Patman

S.B. 419 - Senator Jones

S.B. 526 - Senator Schwartz

H.B. 88 - Senator Mauzy

H.B. 89 - Senator Aikin

C.S.S.B. 41 - Senator Gammage

S.B. 147 - Senator Gammage

Monday, March 26, 1973

S.B. 71 - Senator Braecklein

S.B. 264 - Senator Moore

C.S.S.B. 458 - Senator Moore

MEMORIAL RESOLUTIONS

S.R. 345 - By Senator McKinnon: Memorial resolution for Aubrey Harper.

S.R. 351 - By Senator Schwartz: Memorial resolution for Morgan Van Liew, Jr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 346 - By Senators Clower, Mauzy, Braecklein and Harris: Extending welcome to students from Eastfield College.

S.R. 347 - By Senator Aikin: Extending welcome to Mr. and Mrs. Lloyd Sterling.

S.R. 348 - By Senator Creighton: Commending returning Prisoner of War Colonel Donald Burns.

S.R. 349 - By Senator Ogg: Extending welcome to Tom Stapp.

S.R. 350 - By Senator Aikin: Extending welcome to Mr. and Mrs. William Viehe and their grandson Mike Viehe.

S.C.R. 68 - By Senator Ogg: Commending returning POW A.F. Major John Wendell.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTIETH DAY (Wednesday, March 21, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracer, Wallace and Wolff.

A quorum was announced present.

The Reverend Cal E. Permenter, St. David's Episcopal Church, Austin, Texas, offered the invocation as follows:

We commend to thee, O Lord God, all who are members of this Senate. Grant to them integrity of purpose and devotion to righteousness. So guide them in their deliberations and decisions that where our Constitution, laws and procedures are right they will uphold them, and that where these are remiss they will reform them... so that this body of government will fulfill your calling to serve the people of this State according to your will and purposes.

Some of us ask this in the name of the Law and the Prophets; others of us ask it in Jesus Christ's name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.